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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,443	06/13/2001	Ishita Sharan	CISCP222	6913
22434	7590	09/13/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			HARRELL, ROBERT B	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	

2142

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,443

Applicant(s)

SHARAN, ISHITA

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020301.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached Office Action.

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1. Claims 1-53 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, and clarity of meaning in the Specification, Drawings, and specifically claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 43-47 rejected under 35 U.S.C. 101 because it is directed to a computer program product ("printed matter" non-statutory) (see., In re Beauregard (CAFC) 35 USPQ2d 1383).

6. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-53 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

a) "the first and second transactions"--claim 1 (line 7)[use --the first transaction and the second transaction—if there are only one of each as "transactions" calls for more of each], also see claim 12.

8. As to 7(a) above, these are but a few examples of numerous cases where clear antecedent bases are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is indefinite for the reasons outlined in this paragraph. Also, these are but a few examples where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or

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changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive.

9. Per claim 1 (line 7), it cannot be clearly ascertained if the "relationship information" relates one transaction with another or with just a transaction, or something else in the claim with a transactions(i.e., transaction1 → transaction2, or something → transaction).

10. Per claims 12 (lines 5-7), claim 23 (line 5), claim 32 (line 6), and claim 43 (lines 6-7) as cited above in paragraph 9, the same holds for claim 12. With whom is there a relationship to formulate such information. Again, are the transactions related to each other or to some other element of the claim?

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

12. Claims 1-4, 8-10, 12-15, 19-21, 32-34, 39-41, and 43-45 are rejected under 35 U.S.C. 102 (e) as being anticipated by Mosher, Jr. et al. (US 6,785,696 B2)

13. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action.

14. Per claim 1, Mosher, Jr. taught *a method* (e.g., see Title) *for a working system* (e.g., see figure 1 (Server A)) *to provide transaction information* (e.g., see col. 10 (line 28)) *to a redundant system* (Server A backup) *in a data network* (e.g., see figure 1 (20 and/or 30 and/or 32)), *the working system coupled* (via the networks of figure 1) *to a plurality of nodes* (e.g., see figure 1 (clients)), *the method comprising the steps of identifying a first transaction and a second transaction at the working system* (e.g., see figure 15B

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(514)), *characterizing the first and second transactions using relationship information* (e.g., see the state of the transaction is related to the transaction) *to generate condensed transaction information* (e.g., see figure 15B (532)) *corresponding to the first and second transactions, and providing the condensed transaction information to the redundant system* (e.g., see figure 15B (536 and 538), and col. 10 (lines 46-49); for “sync” (the act of moving data from the first node to the backup node) see figure 5B, col. 2 (lines 44-49), col. 6 (line 62) to col. 7 (line 27)).

15. Per claim 2, to the extent claimed, see col. 14 (line 25 and lines 20-29 of that same col. 14).

16. Per claim 3, since people ultimately program computers, the relation will be either directly or indirectly user definable.

17. Per claims 4, 8, and 9 a session had states shown in figure 12 and logs per col. 1 (lines 28-44).

18. Per claim 10, see figure 1.

19. Per claims 12-15, 19-21, 32-34, 39-41, and 43-45 these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. As for claim 12, the servers functioned to route data from a database to the clients per the Abstract and col. 3 (lines 44-61). Per claim 32, processor and memory was added to the above and are shown in figure 1 as the tower (processor) and disk array (memory).

20. Per claims 5-7, 11, 16-18, 22-31, 35-38, 42, and 46-53 the art of record fails to teach or remotely such claimed limitations and thus these claims stand allowable over the art of record.

21. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone number for all papers is (703) 872-9306.

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24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142